

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

ULTIMA SERVICES CORPORATION,)
)
Plaintiff,)
)
v.) No. 2:20-cv-00041-DCLC-CRW
)
U.S. DEPARTMENT OF AGRICULTURE,)
et al.,)
)
Defendants.)

**DEFENDANTS' OPPOSITION TO LYNETTE T. STEVENSON AND
NICOLE STEWART'S MOTION FOR RECONSIDERATION**

Defendants oppose Lynette T. Stevenson and Nicole Stewart's ("Movants") "Motion for Reconsideration," Doc Nos. 116 & 118, of the Court's Order denying intervention, Doc. No. 113. Reconsideration of the Court's Order is governed by Federal Rule of Civil Procedure 59(e), which enables a party to move to alter or amend a judgment within 28 days after the judgment's entry. Motions to alter or amend judgment may be granted only if there is a clear error of law, newly discovered evidence, an intervening change in controlling law, or to prevent manifest injustice. *GenCorp, Inc. v. Am. Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). None is present here. The Court denied intervention based on the well-settled principle that corporate entities can only appear in federal court through a licensed attorney. Doc. No. 113 at 2. Movants do not dispute this controlling precedent, but instead ask for an exception to the rule. *Id.* Movants do not provide any authority articulating an exception to this binding precedent and thus provide the Court no basis to ignore it.

Movants' alternate request that the Court appoint a guardian ad litem must also be rejected

as a guardian ad litem may be appointed to sue only on behalf of a minor or an incompetent person. Fed. R. Civ. P. 17(c). Accordingly, this Court should deny the Motion for Reconsideration.

Dated: November 22, 2024

Respectfully submitted,

KAREN D. WOODARD
Chief
Employment Litigation Section
Civil Rights Division
United States Department of Justice

OF COUNSEL:

David A. Fishman
Assistant General Counsel for Litigation

Eric S. Benderson
Associate General Counsel for Litigation
U.S. Small Business Administration

Stephanie Moore
Senior Counsel
U.S. Department Of Agriculture

ANDREW BRANIFF (IN Bar No. 23430-71)
Deputy Chief

By: /s/ Kacie S. Candela
Juliet E. Gray (D.C. Bar No. 985608)
Christine T. Dinan (D.C. Bar No. 979762)
Kacie S. Candela (N.Y. Bar No. 6013106)
Trial Attorneys
Employment Litigation Section
Civil Rights Division
United States Department of Justice
150 M Street, N.E.
Washington, D.C. 20002
(202) 598-1600
Kacie.Candela@usdoj.gov
Juliet.Gray@usdoj.gov
Christine.Dinan@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2024, I electronically filed the above document and with the Clerk of the Court using the ECF System, which will send notification of such filing to all counsel of record.

/s/ Kacie S. Candela _____

Kacie S. Candela

Trial Attorney